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R e m a r k s

Claims 1-22 are pending in the application.

The specification is objected to, the Office Action stating that there is insufficient antecedent basis in the specification for the limitation "computer readable medium..." in claims 7-12 and 15.

Claims 1-22 are rejected under 35 U.S.C. §102(e) as being anticipated by Bakshi et al. (U.S. 6574663 B1; hereinafter "Bakshi").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or are simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., simply to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting, no equivalent of any subject matter of the

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original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Objection to the Specification

The specification is objected to, the Office Action stating that there is insufficient antecedent basis in the specification for the limitation "computer readable medium..." in claims 7-12 and 15. This ground of objection is respectfully traversed.

Though Applicants disagree that the limitation "computer readable medium" lacks antecedent basis, Applicants have amended the specification and claims 7-12 to provide a clearer description of the Applicants' invention.

Applicants believe that the amendments to the specification are proper and warranted and introduce no new subject matter. Specifically, Applicants have added two paragraphs [0038.1] and [0038.2] to the specification to provide clearer references to the computer based implementation of the present invention. Based on the original specification, a person of ordinary skill in the art knows that Applicants invention preferably requires a computer implementation. For example, in the paragraph [0019] Applicants disclose a Network Analysis Engine Module [150] and that it is preferably software-based. A person of ordinary skill in the art knows that for a software program to be executed it often needs a computer having at least a processor for executing instructions, a memory for storing instructions to be executed, and an input/output functionality for receiving instructions.

Also, Applicants have disclosed as a part of their invention an Operational Support System 110 (see e.g., paragraph [0017]). As known to a person of ordinary skill in the art, operational support systems are computer systems dealing with the telecom network and network supporting processes. Accordingly, by amending the specification Applicants did not add any new subject matter but merely clarified what was already understood by a person of ordinary skill in the art, that the Applicants invention could be executed on a computer.

Further, Applicants amended claims 7-12 and 15, replacing the limitation "computer readable medium" with the limitation "computer." Paragraphs [0038.1] and [0038.2] of the Applicants specification support such amendments and provide a proper

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antecedent basis for the limitation "computer." Therefore, the objection should be withdrawn.

Rejection Under 35 U.S.C. §102

Claims 1-22 are rejected under 35 U.S.C. §102(e) as being anticipated by Bakshi. The rejection is traversed.

Anticipation requires disclosure in a single prior art reference of each and every element of the claimed invention arranged as in the claim. The Bakshi reference fails to disclose each and every element of the claimed invention as arranged in independent claim 1.

Broadly speaking, the portion of the Bakshi reference cited in the Office Action teaches a discovery process wherein a server repeatedly discovers or identifies new network elements within a network. The server also ascertains various capabilities of each of these network elements. Based on such information, the server constructs two databases; namely a first database containing topology information of the devices connected in the network and a second database containing topology, software, and hardware information of selected devices having predetermined attributes. In this manner, new services (e.g., communication paths) may be provisioned.

However, Bakshi does not teach or suggest, as recited in Applicant's independent claim 1, at least a step of "analyzing the local network information received to map a communication path established in the network..." Specifically, within the context of the present invention, a communication path has been established within a communication network. The method of analyzing the network characteristics of claim 1 iteratively identifies those network elements that are associated with the established communication path and extracts from those network elements local (to the respective network elements) network information "comprising one or more items selected from the group including topology information, connection information, and a performance information." This is entirely different from the new device discovery process of Bakshi.

As such, Bakshi fails to disclose each and every element of the claimed invention, as arranged in Applicant's independent claim 1. Accordingly, independent claim 1 is not anticipated by Bakshi and is patentable under 35 U.S.C. §102. Claims 7, 13, and 17 have

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relevant limitations substantially similar to those discussed above with respect to claim 1. Therefore, for at least the reasons discussed above with respect to claim 1, independent claims 7, 13, and 17 are not anticipated by Bakshi, and therefore patentable under 35 U.S.C. §102.

Finally, because all the dependent claims recite additional limitations and all the limitations of the respective independent claims from which they ultimately depend, the dependent claims are also patentable.

Therefore, Applicant's claims 1-22 are allowable over Bakshi under 35 U.S.C. §102. The Examiner is respectfully requested to withdraw the rejection.

Secondary References

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicant's disclosure than the primary references cited in the Office Action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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